IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

FIRST APPEAL NO.1344 OF 2007
IN
M.A.C.P. NO.36 OF 1997

The Oriental Insurance Co.Ltd. .. Appellant

Vs.

Abdul Ibrahim Isane & Anr. .. Respondents

Mr.J.S.Chandani for the appellant

Ms.Nayana Thatte i/by Shri S.M.Oak for the respondent no.1

Mr.O.V.Warange for respondent no.2

CORAM : J.N.PATEL &
A.A.SAYED, JJ.

DATED : 3RD MAY, 2007

P.C.:

1. Heard.

2. The learned counsel for the appellants fairly concede that no permission of the M.A.C.T. has been taken for preferring an appeal and therefore, in view of the decision of the Supreme Court in the case of R.Mannakatti and another Vs.

M.Subramanian and another reported in 2006 (2) T.A.C. 515 (S.C.), the appeal is not maintainable and, therefore, it stands dismissed.

3. The Insurance Company is permitted to withdraw the sum of Rs.25,000/- which has been deposited in this court as a precondition for preferring an appeal. The Insurance Company would be also entitled for refund of court fee as per rules. In view thereof, Civil Application does not survive, the same is also dismissed as infructuous.

(SHRI J.N. PATEL, J)

(SHRI A.A. SAYED, J)